THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.28212 OF 2005

DATE: 21-04-2006

Between:

I.Sailaja Kumari and others . . .Petitioners

and

The District Collector, West Godavari,

And . . .Respondents

THE HON'BLE SRI JUSTICE A.GOPAL REDDY

WRIT PETITION No.28212 OF 2005

O R D E R:

It is not in dispute that the Government acquired the lands of the petitioners for the purpose of Yerrakalava Reservoir Project by initiating land acquisition proceedings and passed an award for payment of compensation, which was paid to the petitioners. Dissatisfied with the same, the petitioners filed the present writ petition seeking Mandamus directing the respondents to act in terms of Memo No.2014/Irr-II/1/85-14, dated 12-11-1987, and also Memo No.4244/Irr-II/1/80-9, dated 10-08-1981, and to grant leasehold rights of the lands to the petitioners to enjoy the usufruct of the gardens.

Earlier the petitioners filed WP.No.10135 of 2005 for the very same relief, but this Court dismissed the same on 26-07-2005. On dismissal of the same, the petitioners filed the present writ petition in December, 2005 stating that the said writ petition was dismissed on the ground that the gardens were submerged. Aggrieved by the same, the petitioners filed W.A.SR.No.104183 of 2005 due to altered circumstances. The said writ appeal has not been pursued.

Learned Government Pleader for Irrigation, on instructions, submits that instructions issued in the above said Memo in 1987 are superseded subsequently.

It is well settled that a person, whose lands were acquired and who received the compensation, cannot claim any rights over the said land nor can insist that he should be granted leasehold rights over the said land, which is not being used for the purpose for which it was acquired. Even the instructions referred to in the Memo, which is sought to be implemented, will not confer any right to the petitioners. If the petitioners want to lease out the land, which was acquired and has not been utilized by the Department, the same can be leased out only by way of public auction, but not by allowing the same to the persons, who are original landholders and who received the compensation.

The writ petition is misconceived and it is accordingly dismissed. There shall be no order as to costs.

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(A.GOPAL REDDY, J)

21st APRIL, 2006.

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